

Arnold Richer, #2751
Patrick F. Holden, #6247
RICHER & OVERHOLT, P.C.
Attorneys for Defendants
901 West Baxter Drive
South Jordan, Utah 84095
Telephone: (801) 561-4750
Email: aricher@richerandoverholt.com

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

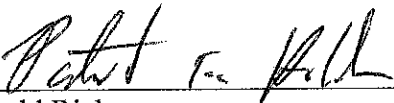
WALTER L. WAGNER, an individual,	:	
Plaintiff,	:	Case No. 2:11-cv-00784-CW-PMW
 v.	:	
PRESTON MICHIE, an individual, KENNETH	:	REQUEST TO SUBMIT FOR
FRANCIK, an individual, LESLIE COBOS, an	:	DECISION.
individual, MARK ROBINSON, an individual,	:	<u>(Second WBGi Motion to Dismiss)</u>
ANNETE EMERSON, an individual, STEVE	:	
BRYANT, an individual, and WORLD	:	
BOTANICAL GARDENS, INC., a Nevada	:	
corporation,	:	District Judge Clark Waddoups
 Defendants.	:	Magistrate Paul M. Warner

Defendant World Botanical Gardens, Inc. ("Defendant WBGi"), by and through its attorneys of record, and pursuant to the *Federal Rule of Civil Procedure* 7(d), hereby requests that the Court decide Defendant WBGi's Second Motion to Dismiss.

On April 4, 2012, Defendant WBGI filed its Second Motion to Dismiss [Docket # 39] and Memorandum in Support of Second Motion to Dismiss [Docket # 40]. Plaintiff filed a Memorandum in Opposition on April 17, 2012 [Docket # 47]. No hearing has been requested and the matter is now ready for final disposition. Defendant WBGI hereby requests that the Court rule on its Second Motion to Dismiss.

DATED this 3rd day of July, 2012.

RICHER & OVERHOLT, P.C.



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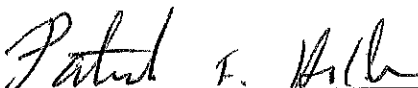
CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing **REQUEST TO SUBMIT FOR DECISION (Second WBGI Motion to Dismiss)** to be delivered to the following in the manner and on the date below indicated:

- ☒ Mail
- ☐ Fax
- ☐ Email
- ☐ Hand Delivery

Walter L. Wagner
532 N 700 E
Payson, Utah 84651
retlawdad@hotmail.com
(Pro Se Plaintiff)

DATED this 3rd day of July, 2012.



Patrick F. Holden